

Reserved parking for persons with disabilities ensures safe and equal access to goods and services. Parking for persons with disabilities not only makes it possible for individuals to use and benefit from the services offered by public and private entities -- it is the law.

## **HIGHLIGHTS and FINES:**

### **NEW JERSEY HANDICAPPED PARKING LAWS**

- Prohibit parking motor vehicles in handicapped spaces without a special vehicle identification card; mandate initial and subsequent fines of \$100 each and up to 90 days of community services (C.39:4-197.(3)c).
- Authorize municipalities to establish handicapped spaces in front of residences, schools, hospitals, public buildings, and in shopping and business districts (C.39:4-197.5).
- Authorize municipalities to establish handicapped parking zones in front of residences occupied by people with disabilities, unless such parking interferes with the flow of traffic (C.39:4-197.6).
- Enable enforcement officers to enforce handicapped parking laws on both public and private property (C.39:4-138.o).
- Authorize municipalities to set up parking enforcement units that concentrate on shopping centers and malls (C.39:4-197.9).
- Authorize eligible people with disabilities to request law enforcement officers to arrange for the removal and storage of motor vehicles unlawfully parked in handicapped parking spaces or zones (C.39:4-207.7).



## **FOR MORE INFORMATION**

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### **New Jersey Motor Vehicle Commission**

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### **United Spinal Association**

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## **DIVISION OF DISABILITY SERVICES**

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The Division of Disability Services wishes to acknowledge the work of the United Spinal Association in publishing previous editions of this guide and for allowing the use of their text.

**Q:** Store owners and other businesses often receive complaints from patrons about other customers who illegally park in the handicapped parking spaces or misuse the spots by parking in the striped area next to the space. What should they do?

**A:** By reporting a violation, you are “doing what’s right.” Instances when individuals who illegally park in a space marked for handicapped parking should be reported to the proper law enforcement authorities. In your area, if the local police are responsible for addressing violations, they should be notified as soon as possible. If local security company staff patrols your parking area, they should be notified.

The striped area next to the parking space is called an **access aisle** and is strictly off limits for parking to everyone, regardless of whether or not they have a handicapped parking plate or placard. The access aisle must be in place in order to ensure that people who use wheelchairs have room to transfer in and out of their vehicles. Only the handicapped parking space itself is reserved for those individuals who have proper identification on their vehicles (i.e., placard, tag, or plate) indicating that they are authorized to park in these designated areas. The access aisle or striped area next to the parking space is **NOT** a parking space. **Anyone** who parks in this area illegally should be reported to a local law enforcement officer.

**Q:** Do store owners or other business owners have to clear snow and ice from the handicapped parking spaces?

**A:** Yes, businesses are required to clear ice, snow, or any obstructions from a handicapped parking space and adjacent curb cuts within 48 hours after the weather condition causing the snow or ice ceases. **New Jersey Parking Law (C.39:4-207.9)** mandates fines from \$200 to \$500 for violations.

- Prohibit the issuance of penalties for overtime parking in one location for up to 24 hours, when the person to whom the issued placard or license plate is either the driver or passenger of the motor vehicles (C.39:4-207).
- Mandate the removal of snow and ice in handicapped parking spaces with 48 hours and establish penalties of \$200 to \$500 for those who do not comply (C.39:4-207.9).

#### HOW ARE HANDICAPPED PARKING SPACES IDENTIFIED?

- Handicapped parking spaces are identified with a sign bearing the International Symbol of Accessibility.
- In New Jersey, signage should also include a penalty sign indicating fines for offenses. The penalty for the first offense is \$250 and, for subsequent offenses, a \$250 minimum fine and/or up to 90 days community service.



#### A PERMIT OR PLATE HOLDER CANNOT PARK IN AREAS PROHIBITED BY C.39:4-SECTION 138, AND IN THE FOLLOWING AREAS:

- Striped access aisles adjacent to handicapped parking spaces
- New York City streets, unless one has a NYC permit
- Parking meters without depositing a coin
- Parking meters beyond a 24 hour period

**Remember:** Handicapped parking permits and plates are to be used solely by the person with the qualifying disability, with punishable fines of at least \$250. If someone who does not have a disability uses another person’s permit or plates, the Motor Vehicles Commission or issuing locality may revoke the permit of plates or deny renewal.

## WHAT ARE BUSINESS OR FACILITY OWNERS AND OPERATORS REQUIRED TO DO?

Owners or operators of any facility (e.g., restaurant, theater, library) that provides parking, whether it is an indoor or, out door garage or parking lot, are required to provide handicapped parking spaces in accordance with federal and state laws (see Frequently Asked Questions...on page 4).

## COMPLAINTS: ABOUT ILLEGAL PARKING ... WHAT CAN BE DONE?

- Ask a state, county or municipal law enforcement officer to ticket an illegally parked car and to arrange for the removal and storage of the vehicle.
- Complain to a shopping center manager or store owner (if at a commercial site). Ask them to inform the local authorities.

## FREQUENTLY ASKED QUESTIONS ABOUT HANDICAPPED PARKING:

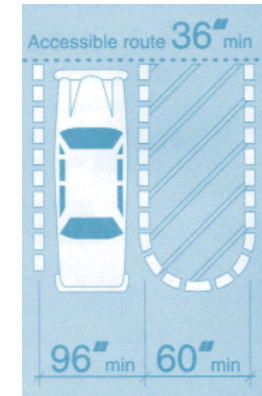
**Q:** How many accessible parking spaces are required?

**A:** It depends on the total number of parking spaces in the lot or garage. The **New Jersey Barrier Free Subcode and the Americans with Disabilities Act Accessibility Guidelines (ADAAG)** both require the following number of handicapped spaces in parking areas:

Total # of spaces	Required # of accessible spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20 + 1 for each 100 over 1,000

Please Note: Spaces should be on the **SHORTEST ACCESSIBLE ROUTE** from parking to an accessible entrance. Multiple building entrances should provide dispersed accessible parking spaces near each accessible entrance.

**Q:** Can the handicapped parking spaces be the same size as the other, non-handicapped spaces as long as the appropriate signs are placed in front of the space?



**A:** No. The New Jersey Barrier Free Subcode and the Americans with Disabilities Act require handicapped parking spaces to be at least **8 feet wide, with adjacent striped access aisles at least 5 feet wide. At least one** handicapped parking space in each parking lot, and one in every eight accessible spaces, must be **van-accessible** with an access aisle at least **8 feet wide**. The parking spaces and access aisles must be painted in a color (most often blue) contrasting with other spaces. Signage with the **International Symbol of Accessibility and the Penalty Sign MUST** be provided at each handicapped parking space and must be permanently installed 5 to 7 feet above the ground.

**Q:** If a parking lot does not have any spaces designated for people with disabilities because it was paved a long time ago, before these requirements were in place, does it now have to provide accessible parking spaces?

**A:** Yes. **Title III of the ADA** requires private entities to remove barriers in order to become compliant. Therefore even if business owners are not planning any type of construction, they are still obligated to remove barriers that are readily achievable.

**PARKING THERE FOR “JUST A MINUTE . . .”  
... IS 60 SECONDS TOO LONG !**

Never park in a space “reserved” for people with disabilities **UNLESS** you have a permit, placard or handicapped parking plates. It’s the courteous thing to do - - and it’s the law.

**REMEMBER:** Do not park in the striped access aisles next to spaces reserved for people with disabilities, even if you have a permit or plates. Access aisles provide room for wheelchair users to transfer safely to and from their vehicles.

First Edition April 2005



State of New Jersey  
*Richard J. Codey, Acting Governor*  
Department of Human Services  
*James M. Davy, Commissioner*

**DIVISION OF DISABILITY SERVICES**  
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**NEW JERSEY**



# Guide to Handicapped Parking

**RESERVED  
PARKING**



**PENALTY  
\$250 1ST OFFENSE**

**SUBSEQUENT OFFENSES  
\$250 MIN. AND/OR  
UP TO 90 DAYS  
COMMUNITY SERVICE**

**TOW-AWAY ZONE**